

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ERIC L. LIFSCHITZ,

No. C 10-2107 SI

Plaintiff,

v.

**ORDER SUA SPONTE STAYING CASE  
PENDING NINTH CIRCUIT'S  
RESOLUTION OF *SCHMIER V.*  
*JUSTICES OF CALIFORNIA SUPREME  
COURT***

RONALD M. GEORGE,

Defendant.

The Court has learned that on December 10, 2010, the Ninth Circuit will be hearing argument in *Schmier v. Justices of California Supreme Court*, No. 09-17195. As the parties are aware, *Schmier* involves a First Amendment challenge to California's citability and publication rules similar to the claims alleged by plaintiff in this case.

The Court *sua sponte* stays this case pending the Ninth Circuit's resolution of *Schmier*. The Court possesses inherent authority to control its docket, including the power to stay pending litigation. *See Landis v. North Am. Co.*, 299 U.S. 248, 254-55 (1936). A stay is in the interest of judicial efficiency because the Court will have the benefit of the Ninth Circuit's opinion when deciding the pending motion to dismiss. In light of the fact that argument in *Schmier* is scheduled for December 10, 2010, the Court does not anticipate that the stay will be lengthy. The parties shall immediately notify the Court when there is a disposition in the *Schmier* appeal, and at that time the Court will either rule on the pending motion or schedule further proceedings as necessary.

**IT IS SO ORDERED.**

Dated: December 2, 2010



SUSAN ILLSTON  
United States District Judge